

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY CAIRO

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E.O. 11652: N/A

TAGS: EFIN, PFOR, CPRS, EG

SUBJECT: CLAIMS AGAINST EGYPT: AMERICAN MISSION LETTER
REGARDING PENDING LITIGATION

TO LOWRIE FROM L-HUANG

1. REGARDING AMERICAN MISSION LETTER OF APRIL 14 ON
PENDING LITIGATION EGYPTIAN COURTS, EMBASSY MAY RESPOND
APPROPRIATELY AS FOLLOWS:

(A) DEPARTMENT REGRETS GOE DELAY IN APPROVING AND INITIAL-
ING AGREEMENT AD REFERENDUM ON CLAIMS OF U.S. NATIONALS
NEGOTIATED IN DECEMBER 1975, THEREBY CAUSING ATTENDANT
COMPLICATIONS AS REPORTED. DEPARTMENT IS AWARE OF A
NUMBER OF OTHER SIMILAR CASES.

(B) DEPARTMENT CANNOT ASSURE AMERICAN MISSION THAT AGREE-
MENT AD REFERENDUM WILL DEFINITELY ENTER INTO FORCE IN THE
NEAR FUTURE OR AT A LATER DATE. ELEMENT OF UNCERTAINTY IS
ALWAYS PRESENT UNTIL DRAFT AGREEMENT IS SIGNED AND HAS
ENTERED INTO FORCE.

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(C) BASED ON BEST JUDGMENT OF DEPARTMENT, AS AMERICAN

MISSION WAS PREVIOUSLY INFORMED BY HUANG IN CAIRO, AMERICAN MISSION SHOULD TAKE APPROPRIATE STEPS TO PROTECT, DEFEND AND PRESERVE ITS PROPERTY, RIGHTS AND INTERESTS IN ADMINISTRATIVE AND LEGAL PROCEEDINGS UNTIL THE DRAFT AGREEMENT HAS ENTERED INTO FORCE IN ORDER TO AVOID ANY POSSIBLE LAPSE OF ITS RIGHTS AND INTERESTS DUE TO FAILURE TO PROSECUTE OR DEFEND UNDER APPLICABLE EGYPTIAN LAW. AS PRACTICAL MATTER, EXPENDITURES INVOLVED SHOULD BE KEPT TO A MINIMUM, AND PROCEEDINGS DELAYED OR DRAGGED OUT WHERE POSSIBLE AND WITHOUT PREJUDICE.

(D) AFTER ENTRY INTO FORCE OF DRAFT AGREEMENT, DEPARTMENT IS CONFIDENT THAT AMERICAN MISSION WOULD BE EQUITABLY AND FAIRLY COMPENSATED FOR ITS LOSSES AS PREVIOUSLY INDICATED IN INFORMAL DISCUSSIONS BETWEEN MESSRS. MCGILL AND HUANG. THE MARGIN ALLOWED FOR SMALL MISCELLANEOUS CLAIMS WOULD BE SUFFICIENT TO ABSORB MINOR ADJUSTMENTS OF THE NATURE REPORTED. ANY MAJOR ADJUSTMENT WOULD BE SUBJECT TO FURTHER CONSIDERATION WITH GOE IF NECESSARY.

(E) IN VIEW OF THE FOREGOING, AMERICAN MISSION WOULD BE ADVISED TO CONTINUE PARTICIPATING IN APPELLATE OR OTHER PROCEEDINGS REGARDING ITS CLAIM NO. 6 AND, IF SUCCESSFUL, TO ACCEPT FAVORABLE JUDGMENT AND AWARD AS A MATTER OF COURSE. SIMILARLY, AMERICAN MISSION WOULD BE ADVISED TO CONTINUE TAKING ALL NECESSARY LEGAL ACTION REGARDING ITEM 3 OF ITS CLAIM NO. 1.

2. UNDER THE PROPOSED AGREEMENT, AFTER ITS ENTRY INTO FORCE, THE GOE WOULD BE SUBROGATED TO ALL THE RIGHTS AND INTERESTS OF THE U.S. CLAIMANTS COVERED BY THE AGREEMENT. DEPENDING UPON THE FINAL OUTCOME OF PROCEEDINGS IN AMERICAN MISSION CASE, DEPARTMENT WOULD ATTEMPT TO MAKE ANY NECESSARY ADJUSTMENT TO PRESERVE INTEGRITY AND AMOUNT OF COMPENSATION ANTICIPATED BY AMERICAN MISSION.

3. AMERICAN MISSION SHOULD KEEP EMBASSY/DEPARTMENT INFORMED OF ALL MAJOR DEVELOPMENTS. PLEASE CONVEY REGARDS
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FROM HUANG TO MCGILL. KISSINGER

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